

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, FEBRUARY 1, 2010**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:03 p.m. on Monday, February 1, 2010, with President Vaughn presiding.

Councillor Sanders led the opening prayer and invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

President Cockrum instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 ABSENT:

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor McQuillen recognized Police Chief Michael Spears and members of the Indianapolis Metropolitan Police Department (IMPD) leadership team. Councillor Oliver recognized treasurer of the Concerned Clergy, Reverend James Jackson. Councillor Nytes recognized Boy Scout Troops 72 and 91, who are working on their citizenship badges. Councillor Minton-McNeill recognized IMPD Major Paul Ciesielski. Councillor Malone recognized friend and colleague and original director of the Department of Housing and Urban Development (HUD), John Hall. Councillor Evans recognized Deputy Mayor Olgen Williams. Councillor McHenry recognized Pike Township Trustee Lula Patton. Councillor Oliver recognized Rufus "Bud" Myers, Indianapolis Housing Agency (IHA). Councillor Brown recognized Indianapolis Fire Department (IFD) Chief Brian Sanford and his staff. Councillor Lutz recognized Commander

Lloyd Crowe of the southwest district. Councillor Smith recognized Aaron Williams, community activist.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, February 1, 2010, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Ryan Vaughn
President, City-County Council

January 22, 2010

TO PRESIDENT VAUGHN AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Melissa Thompson, the following ordinances:

GENERAL ORDINANCE NO. 1, 2010 – establishes a Division of Metropolitan Planning Organization within the Department of Metropolitan Development

GENERAL RESOLUTION NO. 1, 2010 – authorizes public-private operating agreements by and between the Department of Parks and Recreation and various business entities for the management and operation of city-owned golf courses

SPECIAL RESOLUTION NO. 1, 2010 - recognizes the Lafayette Square Area Coalition

Respectfully,
Gregory A. Ballard, Mayor

ORGANIZATION OF COUNCIL

President Vaughn stated that at the Council meeting on January 11, 2010, the reappointment of senior staff was referred to committee. Councillor Lutz reported that the Rules and Public Policy Committee heard the reappointment of senior staff on January 26, 2010. By a 7-0 vote, the Committee recommended the reappointment of Assistant Clerks Angela Gonzalez and NaTrina Moffett. Councillor Lutz moved, seconded by Councillor Cain, to accept the recommendation and reappoint Clerks Gonzalez and Moffett. The motion carried by a unanimous voice vote. By a 4-3 vote, the Committee recommended the reappointment of General Counsel Robert G. Elrod. Councillor Lutz moved, seconded by Councillor McQuillen, to accept the recommendation and reappoint Counsel Elrod. The motion carried on the following roll call vote; viz:

17 YEAS: Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Malone, McHenry, McQuillen, Moriarty Adams, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn
12 NAYS: Bateman, Brown, Evans, Gray, Lewis, MahernB, MahernD, Mansfield, Minton McNeill, Nytes, Oliver, Sanders

February 1, 2010

By a 6-1 vote, the Committee recommended the reappointment of Chief Financial Officer James Steele. Councillor Lutz moved, seconded by Councillor Cockrum, to accept the recommendation and reappoint Mr. Steele. The motion carried on the following roll call vote; viz:

25 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
4 NAYS: Brown, Evans, Gray, Oliver

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of January 11, 2010. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 23, 2010. The proposal, sponsored by Councillors Coleman, Moriarty Adams, Hunter, Plowman and Brown, recognizes the Class 5A Warren Central Warriors for their fifth State Football Championship victory in eight years. Councillor Coleman moved, seconded by Councillor Brown, to postpone Proposal No. 23, 2010 until February 22, 2010. Proposal No. 23, 2010 was postponed by a unanimous voice vote.

PROPOSAL NO. 24, 2010. The proposal, sponsored by Councillors Malone, Vaughn, Evans, Oliver, Sanders and Speedy, recognizes Roderick H. Morgan. Councillor Malone read the proposal and presented Mr. Morgan with a copy of the document and a Council pin. Mr. Morgan thanked the Council for the recognition. Councillor Malone moved, seconded by Councillor Speedy, for adoption. Proposal No. 24, 2010 was adopted by a unanimous voice vote.

Proposal No. 24, 2010 was retitled SPECIAL RESOLUTION NO. 2, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 2, 2010

A SPECIAL RESOLUTION recognizing Roderick H. Morgan.

WHEREAS, Mr. Morgan is a graduate of Arsenal Technical High School where he excelled in academics and sports; and

WHEREAS, Mr. Morgan received his Bachelor's degree in engineering from the United States Military Academy at West Point and his Juris Doctorate from Georgetown University Law Center; and

WHEREAS, Mr. Morgan has over 29 years of legal experience as a litigator in criminal, civil and administrative matters, 16 years of which have involved representing state and local government units as bond, underwriter and issue counsel on many tax-exempt and taxable bond issues; and

WHEREAS, Mr. Morgan is a partner at Bingham McHale, where he leads the firm's Diversified Business Solutions Team and is a member of the Business Services Advisory Department; and

WHEREAS, Mr. Morgan is a retired Army Judge Advocate General and has served as legal advisor to political and military leaders and as an associate professor of law. He has also co-authored several textbooks and publications on constitutional, administrative and business law; and

WHEREAS, Mr. Morgan serves on a host of boards, including the Indiana State Bar Association Board of Governors, the Vincennes University Board of Trustees, the Partnership for Affordable Housing, the Indianapolis Black Chamber of Commerce and the Warren Arts and Education Foundation; and

WHEREAS, Mr. Morgan has received the following honors: the Sagamore of the Wabash in 2007, the U.S. Army Legion of Merit in 1990, the Indiana Minority Business Magazine Champion of Diversity in 2008, and he was the Indiana Lawyer and Marion County Bar Association Diversity in the Workplace Attorney winner in 2007; and

WHEREAS, Mr. Morgan has served as president of the Marion County Bar Association and was recently elected president of the Indiana State Bar Association; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Mr. Roderick H. Morgan for his commitment to diversity and for his many accomplishments and contributions to the practice of law in Indiana.

SECTION 2. The Council congratulates Mr. Morgan on being elected president of the Indiana Bar Association and wishes him continued success in all future endeavors.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 49, 2010. The proposal, sponsored by Councillors Lewis, Bateman, Brown, Evans, Gray, B. Mahern, D. Mahern, Mansfield, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Sanders, Malone, Cardwell, Pfisterer and McQuillen, recognizes the Greater Indy Neighborhoods Initiative (GINI). Councillors Lewis, McQuillen, Bateman, and Malone read the proposal and presented representatives with copies of the document and Council pins. Bill Taft, Local Initiatives Support Corporation (LISC) and representatives from GINI and the neighborhoods thanked the Council for the recognition. Councillor Lewis moved, seconded by Councillor McQuillen, for adoption. Proposal No. 49, 2010 was adopted by a unanimous voice vote.

Proposal No. 49, 2010 was retitled SPECIAL RESOLUTION NO. 3, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 3, 2010

A SPECIAL RESOLUTION recognizing the Greater Indy Neighborhoods Initiative (GINI).

WHEREAS, Great Indy Neighborhoods is a set of initiatives established to support Indianapolis Neighborhoods; and

WHEREAS, the goal of the initiatives is to encourage neighborhoods to work together; organize and get involved in their neighborhood; decide collectively on the priorities; and act on those priorities to implement change in their neighborhoods; and

WHEREAS, the initiative pilot is a renewed approach to community development activities that promote comprehensive neighborhood-driven improvements. The initiative provides support for the Binford and Crooked Creek areas, and the Near Eastside, Near Westside, Southeast and West sides of Indianapolis; and

WHEREAS, collaboration between the Local Initiatives Support Corporation (LISC), the City of Indianapolis and the Indianapolis Resource Center, leveraged more than \$100 million in investments for the implementation of six Quality of Life Plans; and

February 1, 2010

WHEREAS, the Southeast neighborhood hosted the “Fab for Less Design Home Tour: Building Blocks of Affordable Living” showcasing the power of possibilities when neighbors dedicated over 1,500 hours on volunteer service to develop a sense of community; and

WHEREAS, the Northeast side enjoyed a major economic development victory by opening the new \$12 million, 86,000 foot Kroger store; and

WHEREAS, through the Hawthorne Center for Working Families, the Near Westside provided neighborhood-based, one-stop access to supportive services, job training and job retention skills; and

WHEREAS, the Southwest side neighbors started a new tutoring program and supplemental education for children, while the Northwest side transformed an environmentally friendly renovated home into four units for disabled residents; and

WHEREAS, the Near Eastside is home of the Super Bowl Legacy Project, which will help implement the GINI Quality of Life Plan that was created by 600-plus residents; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes the efforts and contributions of the Greater Indy Neighborhoods Initiatives.

SECTION 2. The Council urges continued collaboration to contribute to more neighborhood improvements for the City of Indianapolis.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 50, 2010. The proposal, sponsored by Councillors Nytes and Sanders, confirms and celebrates the initiative between the City of Indianapolis, the International Center and the National League of Cities' (NLC) Municipal Action for Immigrant Integration (MAII). Councillor Nytes read the proposal and presented representatives with copies of the document and Council pins. Representatives thanked the Council for the recognition. Councillor Nytes moved, seconded by Councillor Nytes, for adoption. Proposal No. 50, 2010 was adopted by a unanimous voice vote.

Proposal No. 50, 2010 was retitled SPECIAL RESOLUTION NO. 4, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 4, 2010

A SPECIAL RESOLUTION confirming and celebrating the initiative between the City of Indianapolis, the International Center and the National League of Cities' (NLC) Municipal Action for Immigrant Integration (MAII).

WHEREAS, MAII is an NLC project that is focused on promoting civic engagement and naturalization among immigrant communities in cities throughout the United States that will establish a knowledge-sharing network across different cities and organizations; and

WHEREAS, the goal of MAII is to be a resource for municipal officials and community-based organizations who seek assistance in addressing immigrant integration challenges in their communities; and

WHEREAS, the MAII project will provide city participants with customized levels of assistance and support to help local officials promote civic participation and naturalization. The opportunity to participate is open to all NLC member cities; and

WHEREAS, MAII has two components to support its efforts: the NewCITYzen Naturalization Campaign, that focuses on highlighting the many benefits of naturalization; and the CITYzenship Community Initiative, that allows city participants to move forward in developing an action plan to manage immigrant integration challenges in their communities; and

WHEREAS, MAII, the International Center of Indianapolis and the City will collaborate on launching the NLC NewCITYzen Naturalization Campaign that will utilize a toolkit that includes media materials and guidelines on how to market to local immigrant communities; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes and celebrates this great initiative between the City of Indianapolis, the International Center and the National League of Cities.

SECTION 2. The Council encourages continued collaboration for the success of this initiative and the possibility of including future activities that will support immigrant integration challenges within communities.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 51, 2010. The proposal, sponsored by Councillors Sanders and Mansfield, recognizes the League of Women Voters' 90th Anniversary. Councillor Sanders read the proposal and presented representatives with copies of the document and Council pins. Erin Kelly, League of Women's Voters Local Chapter, thanked the Council for the recognition. Councillor Sanders moved, seconded by Councillor Mansfield, for adoption. Proposal No. 51, 2010 was adopted by a unanimous voice vote.

Proposal No. 51, 2010 was retitled SPECIAL RESOLUTION NO. 5, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 5, 2010

A SPECIAL RESOLUTION recognizing League of Women Voters' 90th Anniversary.

WHEREAS, the *League of Women Voters (LWV) of Indianapolis* is the organization where hands-on work to safeguard democracy leads to civic improvement; and

WHEREAS, LWV is a nonpartisan political organization, that has fought since 1920 to improve our system of government and impact public policies through citizen education and advocacy; and

WHEREAS, the *LWV of Indianapolis* believes in representative government and in the individual liberties established in the Constitution of the United States; and

WHEREAS, the *LWV of Indianapolis* has always worked to promote the values and processes of representative government; and

WHEREAS, the *LWV of Indianapolis* collaborates with other organizations to achieve mutual goals, including the authoring and publishing of the UNIGOV handbook which has provided the public and our elected officials with a much-needed overview of our local form of government; and

WHEREAS, the League, for 90 years, has held the public trust by respectfully bringing elected leaders and the public together through non-partisan, civil means and through thoughtfully advancing solutions; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes and honors the League for the tremendous benefit the community has received from the countless volunteer hours donated by League members over its 90 year history.

SECTION 2. The Council further hereby proclaims the 14th day of February, 2010, as "*LWV Making Democracy Work Day*" in honor of the League of Women Voters 90th Anniversary and urges all

February 1, 2010

residents of Indianapolis to pay great tribute and respect to the League of Women Voters for all they do to make our community healthy, vibrant and strong.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal Nos. 422 and 473, 2009 on January 19, 2010. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 422, 2009. The proposal, sponsored by Councillor Pfisterer, reappoints Christine Scales to the City-County Internal Audit Committee. PROPOSAL NO. 473, 2009. The proposal, sponsored by Councillor Pfisterer, appoints Patricia Polis McCrory to the Audit Committee. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Pfisterer moved, seconded by Councillor Plowman, for adoption. Proposal Nos. 422 and 473, 2009 were adopted on the following roll call vote; viz:

28 YEAS: *Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*
0 NAYS:
1 NOT VOTING: *Oliver*

Proposal No. 422, 2009 was retitled COUNCIL RESOLUTION NO. 16, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 16, 2010
Proposal No. 422, 2009

A COUNCIL RESOLUTION reappointing Christine Scales to the City-County Internal Audit Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the City-County Internal Audit Committee, the Council reappoints:

Christine Scales

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2010. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 473, 2009 was retitled COUNCIL RESOLUTION NO. 17, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 17, 2010

A COUNCIL RESOLUTION appointing Patricia Polis McCrory to the Audit Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Audit Committee, the Council appoints:

Patricia Polis McCrory

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2010. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 483, 2009. Councillor Hunter reported that the Public Safety and Criminal Justice Committee heard Proposal No. 483, 2009 on January 13, 2010. The proposal, sponsored by Councillor Vaughn, appoints Philip Coons to the Domestic Violence Fatality Review Team. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hunter moved, seconded by Councillor Cain, for adoption. Proposal No. 483, 2009 was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:

Proposal No. 483, 2009 was retitled COUNCIL RESOLUTION NO. 18, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 18, 2010

A COUNCIL RESOLUTION appointing Philip Coons to the Domestic Violence Fatality Review Team.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Domestic Violence Fatality Review Team, the Council appoints:

Philip Coons

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2011. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 2, 2010. Councillor Cardwell reported that the Economic Development Committee heard Proposal No. 2, 2010 on January 27, 2010. The proposal, sponsored by Councillor Cardwell, appoints Santina C. Sullivan to the Indianapolis City Market Corporation Board of Directors. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cardwell moved, seconded by Councillor Nytes, for adoption. Proposal No. 2, 2010 was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:

Proposal No. 2, 2010 was retitled COUNCIL RESOLUTION NO. 19, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 19, 2010

A COUNCIL RESOLUTION appointing Santina C. Sullivan to the Indianapolis City Market Corporation Board of Directors.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis City Market Corporation Board of Directors, the Council appoints:

February 1, 2010

Santina C. Sullivan

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2010. The person appointed by this resolution shall serve at the pleasure of the Council and until his successor is appointed and qualifies.

Councillor Smith reported that the Metropolitan Development Committee heard Proposal Nos. 4-7, 2010 on January 25, 2010. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 4, 2010. The proposal, sponsored by Councillors Vaughn and Brown, approves the Mayor's appointment of Maury Plambeck as the director of the Department of Metropolitan Development. PROPOSAL NO. 5, 2010. The proposal, sponsored by Councillor Vaughn, approves the Mayor's appointment of Rick Powers as the director of the Department of Code Enforcement. PROPOSAL NO. 6, 2010. The proposal, sponsored by Councillor Smith, appoints James T. Kienle to the Indianapolis Historic Preservation Commission. PROPOSAL NO. 7, 2010. The proposal, sponsored by Councillors Smith and Brown, appoints George W. Geib to the Indianapolis Historic Preservation Commission. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Smith moved, seconded by Councillor McHenry, for adoption. Proposal Nos. 4-7, 2010 were adopted on the following roll call vote; viz:

29 YEAS: *Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*
0 NAYS:

Proposal No. 4, 2010 was retitled COUNCIL RESOLUTION NO. 20, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 20, 2010

A COUNCIL RESOLUTION approving the Mayor's appointment of Maury Plambeck as the Director of the Department of Metropolitan Development for a term ending December 31, 2010, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Metropolitan Development is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Maury Plambeck to serve as Director of the Department of Metropolitan Development at his pleasure for a term ending December 31, 2010; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Maury Plambeck is approved and confirmed by the City-County Council to serve as the Director of the Department of Metropolitan Development for a term ending December 31, 2010, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 5, 2010 was retitled COUNCIL RESOLUTION NO. 21, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 21, 2010

A COUNCIL RESOLUTION approving the Mayor's appointment of Rick Powers as the Director of the Department of Code Enforcement for a term ending December 31, 2010, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Code Enforcement is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Rick Powers to serve as Director of the Department of Code Enforcement at his pleasure for a term ending December 31, 2010; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Rick Powers is approved and confirmed by the City-County Council to serve as the Director of the Department of Code Enforcement for a term ending December 31, 2010, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 6, 2010 was retitled COUNCIL RESOLUTION NO. 22, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 22, 2010

A COUNCIL RESOLUTION appointing James T. Kienle to the Indianapolis Historic Preservation Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Historic Preservation Commission, the Council appoints:

James T. Kienle

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2013. The person appointed by this resolution shall serve at the pleasure of the Council and until his successor is appointed and qualifies.

Proposal No. 7, 2010 was retitled COUNCIL RESOLUTION NO. 23, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 23, 2010

A COUNCIL RESOLUTION appointing George W. Geib to the Indianapolis Historic Preservation Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Historic Preservation Commission, the Council appoints:

George W. Geib

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2013. The person appointed by this resolution shall serve at the pleasure of the Council and until his successor is appointed and qualifies.

February 1, 2010

PROPOSAL NO. 8, 2010. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 8, 2010 on January 25, 2010. The proposal, sponsored by Councillor Smith, appoints Anthony J. Bridgeman to the Board of Code Enforcement. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor Cain, for adoption. Proposal No. 8, 2010 was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:

Proposal No. 8, 2010 was retitled COUNCIL RESOLUTION NO. 24, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 24, 2010

A COUNCIL RESOLUTION appointing Anthony J. Bridgeman to the Board of Code Enforcement.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Code Enforcement, the Council appoints:

Anthony J. Bridgeman

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2010. The person appointed by this resolution shall serve at the pleasure of the Council and until his successor is appointed and qualifies.

PROPOSAL NO. 11, 2010. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 11, 2010 on January 25, 2010. The proposal, sponsored by Councillors Malone and Brown, appoints Tasha M. Phelps to the Metropolitan Development Commission. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor Malone, for adoption. Proposal No. 11, 2010 was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:

Proposal No. 11, 2010 was retitled COUNCIL RESOLUTION NO. 25, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 25, 2010

A COUNCIL RESOLUTION appointing Tasha M. Phelps to the Metropolitan Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Development Commission, the Council appoints:

Tasha M. Phelps

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2010. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 12, 2010. Councillor Day reported that the Parks and Recreation Committee heard Proposal No. 12, 2010 on January 14, 2010. The proposal, sponsored by Councillor Vaughn, approves the Mayor's appointment of Stuart Lowry as the director of the Department of Parks and Recreation. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Vaughn stated that Councillor Lewis has asked for consent to allow a constituent of hers a brief moment of public testimony. He said that while this item is not under public hearing this evening, he will make an allowance at Councillor Lewis' request.

Matthew Stone, citizen, urged Councillors to reject the reappointment. He said that parks is one of the greatest things about this city, yet every year the budget gets slashed or grossly mismanaged, pools get closed, and weeds continue to become overgrown. He said that this board needs an independent voice advocating for parks. He said that while he understands these are tough economic times, the Parks Department does not deserve worse treatment than other departments.

Councillor Day moved, seconded by Councillor McQuillen, for adoption. Proposal No. 12, 2010 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn
3 NAYS: Mansfield, Minton McNeill, Sanders

Councillors Nytes, Evans and Brown asked for consent to explain their votes. Consent was given. Councillor Nytes said that there is a lot of frustration with parks, but Stuart Lowry, director of the Department of Parks and Recreation (DPR) is trying to turn things around and is always responsive. Councillor Evans said that he will be closely watching the situation with Eagle Creek Park. Councillor Brown said that Mr. Lowry does the most with the hand he has been dealt, and the Mayor controls the purse strings. He said that they do not have any swimming pools or tennis courts on the east side, but are celebrating the installation of a new playground and restroom facility in eastside parks.

Councillor Lewis thanked President Vaughn for allowing her constituent to share his views.

Proposal No. 12, 2010 was retitled COUNCIL RESOLUTION NO. 26, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 26, 2010

A COUNCIL RESOLUTION approving the Mayor's appointment of Stuart Lowry as the Director of the Department of Parks and Recreation for a term ending December 31, 2010, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Parks and Recreation is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Stuart Lowry to serve as Director of the Department of Parks and Recreation at his pleasure for a term ending December 31, 2010; now, therefore:

February 1, 2010

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Stuart Lowry is approved and confirmed by the City-County Council to serve as the Director of the Department of Parks and Recreation for a term ending December 31, 2010, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 13, 2010. Councillor Hunter reported that the Public Safety and Criminal Justice Committee heard Proposal No. 13, 2010 on January 13, 2010. The proposal, sponsored by Councillors Hunter and Vaughn, approves the Mayor's appointment of Frank G. Straub as the director of the Department of Public Safety. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Oliver said that while Mr. Straub comes highly recommended by the Fraternal Order of Police and Local Firefighters Union 416, he would have thought they would consult with the sheriff before certain processes take place. President Vaughn said that the Mayor's office has been made aware of the concern and they have attempted to schedule a meeting with the sheriff. Mr. Straub stated that he has met with Sheriff Anderson on a couple of occasions, and there seems to be some miscommunication but nothing intentional and he will continue to work toward a good working relationship.

Councillor Hunter moved, seconded by Councillor Lutz, for adoption. Proposal No. 13, 2010 was adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
1 NAY: Coleman

Proposal No. 13, 2010 was retitled COUNCIL RESOLUTION NO. 27, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 27, 2010

A COUNCIL RESOLUTION approving the Mayor's appointment of Frank G. Straub as the Director of the Department of Public Safety for a term ending December 31, 2010, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Public Safety is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Frank G. Straub to serve as Director of the Department of Public Safety at his pleasure for a term ending December 31, 2010; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Frank G. Straub is approved and confirmed by the City-County Council to serve as the Director of the Department of Public Safety for a term ending December 31, 2010, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 14, 2010. Councillor Hunter reported that the Public Safety and Criminal Justice Committee heard Proposal No. 14, 2010 on January 13, 2010. The proposal, sponsored by Councillors Vaughn and Brown, reconfirms the Marion County Public Defender Board's nomination of Robert J. Hill as the Chief Marion County Public Defender. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hunter moved, seconded by Councillor Cain, for adoption. Proposal No. 14, 2010 was adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn
2 NAYS: Gray, Sanders

Proposal No. 14, 2010 was retitled COUNCIL RESOLUTION NO. 28, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 28, 2010

A COUNCIL RESOLUTION reconfirming the Marion County Public Defender Board's nomination of Robert J. Hill as the Chief Marion County Public Defender.

WHEREAS, pursuant to Sec. 286-4 of the "Revised Code of the Consolidated City and County," a Marion County Public Defender Board nomination of the Marion County Chief Public Defender is subject to confirmation by the City-County Council and subject to reconfirmation annually thereafter; and

WHEREAS, the Marion County Public Defender Board has submitted to this Council the name of Robert J. Hill to continue serving as Marion County Chief Public Defender; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. Robert J. Hill is hereby reconfirmed by the City-County Council to serve as Marion County Chief Public Defender.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 17, 2010. Councillor Speedy reported that the Public Works Committee heard Proposal No. 17, 2010 on January 21, 2010. The proposal, sponsored by Councillors Vaughn, Hunter and Brown, approves the Mayor's appointment of David Sherman as the director of the Department of Public Works. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mansfield stated that Mr. Sherman has been a pleasure to work with and has done the best he could for the city with unfortunate resources. Councillor Speedy moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 17, 2010 was adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
1 NOT VOTING: Lewis

Proposal No. 17, 2010 was retitled COUNCIL RESOLUTION NO. 29, 2010, and reads as follows:

February 1, 2010

CITY-COUNTY COUNCIL RESOLUTION NO. 29, 2010

A COUNCIL RESOLUTION approving the Mayor's appointment of David Sherman as the Director of the Department of Public Works for a term ending December 31, 2010, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Public Works is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of David Sherman to serve as Director of the Department of Public Works at his pleasure for a term ending December 31, 2010; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. David Sherman is approved and confirmed by the City-County Council to serve as the Director of the Department of Public Works for a term ending December 31, 2010, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 19, 2010. Councillor Cardwell reported that the Economic Development Committee heard Proposal No. 19, 2010 on January 27, 2010. The proposal, sponsored by Councillors Brown and Vaughn, approves the Mayor's appointment of Nicholas Weber as Deputy Mayor for Economic and Workforce Development. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gray said that he thought Mr. Weber was leaving city employment. President Vaughn said that there was no testimony to that effect in the committee meeting, and since Mr. Weber appeared for reappointment, he would assume that is not the case. Councillor Gray asked if this is a temporary appointment until Mr. Weber leaves. President Vaughn encouraged Councillor Gray to attend the meetings and ask these questions, as appointees are not usually present at the full Council hearings.

Councillor B. Mahern said that he has grave concerns about Mr. Weber's role in the Market Street Bank One Operations Center deal, and he will therefore oppose the appointment.

Councillor Cardwell moved, seconded by Councillor McHenry, for adoption. Proposal No. 19, 2010 was adopted on the following roll call vote; viz:

20 YEAS: Brown, Cain, Cardwell, Cockrum, Day, Hunter, Lewis, Lutz, Malone, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Oliver, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn
9 NAYS: Bateman, Coleman, Evans, Gray, MahernB, MahernD, Mansfield, Nytes, Sanders

Proposal No. 19, 2010 was retitled COUNCIL RESOLUTION NO. 30, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 30, 2010

A COUNCIL RESOLUTION approving the Mayor's appointment of Nicholas Weber as Deputy Mayor for Economic and Workforce Development for a term ending December 31, 2010, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised code of the Consolidated City and County," a mayoral appointment of Deputy Mayor is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Nicholas Weber to serve as Deputy Mayor for Economic and Workforce Development at his pleasure for a term ending December 31, 2010; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Nicholas Weber is approved and confirmed by the City-County Council to serve as Deputy Mayor for Economic and Workforce Development for a term ending December 31, 2010, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 20, 2010. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 20, 2010 on January 26, 2010. The proposal, sponsored by Councillors Brown and Vaughn, approves the Mayor's appointment of Olgen Williams as the Deputy Mayor for Neighborhoods. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Lutz moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 20, 2010 was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:

Proposal No. 20, 2010 was retitled COUNCIL RESOLUTION NO. 31, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 31, 2010

A COUNCIL RESOLUTION approving the Mayor's appointment of Olgen Williams as the Deputy Mayor for Neighborhoods for a term ending December 31, 2010, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised code of the Consolidated City and County," a mayoral appointment of Deputy Mayor is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Olgen Williams to serve as Deputy Mayor for Neighborhoods at his pleasure for a term ending December 31, 2010; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Olgen Williams is approved and confirmed by the City-County Council to serve as Deputy Mayor for Neighborhoods for a term ending December 31, 2010, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 21, 2010. Councillor Cain reported that the Ethics Committee heard Proposal No. 21, 2010 on January 21, 2010. The proposal, sponsored by Councillor Lutz, confirms the Mayor's reappointment nomination of Dan Ladendorf to the City-County Ethics Commission. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it

February 1, 2010

do pass. Councillor Cain moved, seconded by Councillor Lutz, for adoption. Proposal No. 21, 2010 was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:

Proposal No. 21, 2010 was retitled COUNCIL RESOLUTION NO. 32, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 32, 2010

A COUNCIL RESOLUTION confirming Mayor Gregory A. Ballard's reappointment nomination of Dan Ladendorf to the City-County Ethics Commission.

WHEREAS, pursuant to Sec. 293-332 of the "Revised Code of the Consolidated City and County," a City-County Ethics Board nomination is subject to confirmation by the City-County Council; and

WHEREAS, each appointment after the initial appointments shall be for a term of three (3) years ending on December 31; and

WHEREAS, the Office of the Mayor has submitted to this Council the name of Dan Ladendorf to serve a second term as a member of the City-County Ethics Commission; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. Dan Ladendorf is hereby confirmed by the City-County Council to serve as a member of City-County Ethics Commission.

SECTION 2. Dan Ladendorf's term shall commence upon the passage of this resolution and expire on December 31, 2012, unless otherwise removed by the City-County Council under § 293-332(d).

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 29, 2010. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 29, 2010 on January 25, 2010. The proposal, sponsored by Councillor Smith, appoints Darryl "Troy" Bell to the Metropolitan Board of Zoning Appeals, Division II. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor McHenry, for adoption. Proposal No. 29, 2010 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn
2 NAYS: Gray, Sanders
1 NOT VOTING: Hunter

Proposal No. 29, 2010 was retitled COUNCIL RESOLUTION NO. 33, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 33, 2010

A COUNCIL RESOLUTION appointing Darryl "Troy" Bell to the Metropolitan Board of Zoning Appeals, Division II.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals, Division II, the Council appoints:

Darryl "Troy" Bell

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2010. The person appointed by this resolution shall serve at the pleasure of the Council and until his successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 30, 2010. Introduced by Councillor Speedy. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Dennis G. Papenmeier as hearing officer to preside over the administrative adjudication of parking citations"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 31, 2010. Introduced by Councillor Speedy. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of John C. Krause as hearing officer to preside over the administrative adjudication of environmental violations"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 32, 2010. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$100,000 in the 2010 Budget of the Mayor's Office of Educational Innovation (Consolidated County Fund) for charter school initiatives, including a high school accountability system, a special education evaluation system and an accountability reporting initiative, funded by a grant from the National Association of Charter School Authorizers"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 33, 2010. Introduced by Councillor Cardwell. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Michael Halstead to the Indianapolis City Market Corporation Board of Directors"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 34, 2010. Introduced by Councillor Cain. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to make technical corrections regarding when economic statements of interest need to be filed"; and the President referred it to the Ethics Committee.

PROPOSAL NO. 35, 2010. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$5,500,000 in the 2010 Budgets of the Department of Metropolitan Development and Mayor's Office (Redevelopment General and Consolidated County Funds) for economic development projects and charter school initiatives, financed by settlement proceeds"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 36, 2010. Introduced by Councillor Cain. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$3,000,000 in the 2010 Budget of the Department of Metropolitan Development (Federal Grants Fund) in the form of Community Development Block Grant Disaster funds acting as fiscal agent for a pass-through grant from the

Indiana State Office of Community and Rural Affairs awarded to EnerDel to purchase equipment and expand operations, which in turn will create new jobs in Marion County"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 37, 2010. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$400,000 in the 2010 Budget of the Department of Metropolitan Development (State of Indiana Grants Fund) in the form of Industrial Development Grant funds acting as fiscal agent for a pass-through grant awarded to Lockheed Martin Aspen Systems Corporation to assist in funding purchase and installation of fiber optic cable-related equipment, which will benefit Marion County through the creation and retention of jobs"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 38, 2010. Introduced by Councillor Speedy. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to re-assign the duties of Chapter 701, Trees and Flora, amongst the Departments of Code Enforcement, Public Works and Parks and Recreation, and to make other technical corrections"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 39, 2010. Introduced by Councillor Coleman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to clarify provisions with respect to possession of firearms on park property"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 40, 2010. Introduced by Councillors Mansfield and Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Kenneth D. Adams, Jr. to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 41, 2010. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Brian J. Tuohy to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 43, 2010. Introduced by Councillors Plowman and Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which approves the consolidation of the Franklin Township Fire Department with the Indianapolis Fire Department on or after July 1, 2010"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 44, 2010. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a restatement of the Marion County Sheriff's Department Personnel Retirement Plan"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 45, 2010. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Aaron A. Schmoll to the Air Pollution Control Board"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 46, 2010. Introduced by Councillor Speedy. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the request of the Department of Public Works to purchase certain land acquired for construction of a public works project"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 47, 2010. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's establishment of a charter school, "Indiana Math and Science Academy North" by issuing a charter to Indiana Math and Science Academy East, Inc."; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 48, 2010. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a request of the School District of School Town of Speedway to certify its public question referendum to the County Election Board for the May, 2010 election"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 52-57, 2010 and PROPOSAL NOS. 58-60, 2010. Introduced by Councillor Smith. Proposal Nos. 52-57, 2010 and Proposal Nos. 58-60, 2010 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on January 12 and 22, 2010. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 4-12, 2010, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 4, 2010.

2009-ZON-066

1019 AND 1023 NORTH KEYSTONE AVENUE (*Approximate Address*)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 16

HEALTHNET, INC., by David Kingen, requests Rezoning of 0.41 acre, from the D-5 District, to the SU-7 classification to provide for charitable, philanthropic, and/or not-for-profit uses.

REZONING ORDINANCE NO. 5, 2010.

2009-ZON-072

5460 SOUTH EAST STREET (*Approximate Address*)

INDIANAPOLIS, PERRY TOWNSHIP

COUNCIL DISTRICT # 23

NORMAN CLAMPITT TRUST & TRUSTEE, by David Kingen, requests Rezoning of 0.56 acre, from the D-A District, to the C-3C classification to provide for corridor commercial uses.

REZONING ORDINANCE NO. 6, 2010.

2009-ZON-074

3621 CARSON AVENUE (*Approximate Address*)

INDIANAPOLIS, PERRY TOWNSHIP

COUNCIL DISTRICT # 20

UNIVERSITY OF INDIANAPOLIS, by Eugene Valanzano, requests Rezoning of 6.979 acres, from the D-6II District, to the UQ-1 classification to provide for university uses.

REZONING ORDINANCE NO. 7, 2010.

2009-ZON-075

5303 BYRAM AVENUE (*Approximate Address*)

INDIANAPOLIS, WASHINGTON TOWNSHIP

COUNCIL DISTRICT # 8

TOWN OF ROCKY RIPPLE requests Rezoning of 0.34 acre, from the D-5 (FF) District, to the PK-1 (FF) classification to provide for park uses.

REZONING ORDINANCE NO. 8, 2010.

2009-ZON-076

5315 AND 5355 PATTERSON STREET (*Approximate Address*)

INDIANAPOLIS, WASHINGTON TOWNSHIP

COUNCIL DISTRICT # 8

TOWN OF ROCKY RIPPLE requests REZONING of 0.45 acre, from the D-5 (FF) District, to the PK-1 (FF) classification to provide for park uses.

REZONING ORDINANCE NO. 9, 2010.

2009-ZON-077

5231 PATTERSON STREET (*Approximate Address*)

INDIANAPOLIS, WASHINGTON TOWNSHIP

COUNCIL DISTRICT # 8

TOWN OF ROCKY RIPPLE requests Rezoning of 0.57 acre, from the D-5 (FF) District, to the PK-1 (FF) classification to provide for park uses.

REZONING ORDINANCE NO. 10, 2010.

2009-ZON-062

2901 EAST 38TH STREET (*Approximate Address*)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 10

CHOICE MART, INC. AND ALL PARTNERS, LLC, by S. Gregory Zubek, requests Rezoning of 0.755 acre, from the D-5 (W-5) District, to the C-4 (W-5) classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 11, 2010.

2009-ZON-069

6151 CENTRAL AVENUE (*Approximate Address*)

INDIANAPOLIS, WASHINGTON TOWNSHIP

COUNCIL DISTRICT # 3

TRINITY CHURCH, INC., by David Kingen, requests REZONING of 1.31 acres, from the D-4 (FF) District, to the SU-1 (FF) classification to provide for religious uses.

REZONING ORDINANCE NO. 12, 2010.

2009-ZON-071

7337 AND 7449 WEST WASHINGTON STREET (*Approximate Addresses*)

INDIANAPOLIS, WAYNE TOWNSHIP

COUNCIL DISTRICT # 22

PWK CAPITAL INVESTMENTS, LLC, by Thomas H. Engle, requests REZONING of 16.497 acres, from the "A" and I-3-U Districts, to the I-2-U classification to provide for light industrial uses.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 218, 2009. Councillor Speedy reported that the Public Works Committee heard Propsoal No. 218, 2009 on July 9, November 5 and November 19, 2009 and again on January 21, 2010. The proposal, sponsored by Councillor Coleman, amends the Code to provide for motorcycle parking meter spaces. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor B. Mahern moved, seconded by Councillor Nytes, to amend Proposal No. 218, 2009 due to some technical difficulties of two locations: Georgia Street (due to the grade of the street) and Illinois Street (because of coring into the bricks). Councillor B. Mahern said that this amendment still reflects the essence of the original proposal and preserves three locations, for six spaces. The motion to amend carried by a unanimous voice vote.

Councillor Coleman said that everyone agrees this is a good first step, but he hopes there will be more proposals to make downtown spaces friendlier for alternative transportation, including scooters and other environment-friendly modes of transportation.

Councillor Speedy moved, seconded by Councillor Coleman, for adoption. Proposal No. 218, 2009 was adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
1 NOT VOTING: Lewis

Proposal No. 218, 2009 was retitled GENERAL ORDINANCE NO. 2, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 2, 2010

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County to provide for motorcycle parking meter spaces.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. Sec. 621-201 of the “Revised Code of the Consolidated and County,” regarding definitions of terms in Chapter 621, Art. II, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 621-201. Definitions.

As used in this article, the following ~~term~~ terms shall have the ~~meaning~~ meanings ascribed to them in this section:

Motorcycle parking meter space means a parking meter space designated in subsection (b) of Section 621-202 of the Code.

Payment shall mean means the form or forms of acceptable payment as designated on or near the parking meter.

Parking meter or meter facility shall mean means any device or meter operated either manually or automatically, as prescribed in this article, which is placed or erected for the regulation of parking of vehicles for specific periods of time upon the public streets and places of the city by authority of this article or otherwise.

Parking meter space shall mean means the space or the section of the street adjacent to the curb or edge of the roadway indicated by lines painted or otherwise durably marked on the surface of the street and curb, or otherwise plainly indicated, and regulated by parking meters, in which space vehicles may be parked for the respective periods of time hereinafter prescribed, as indicated for each such space upon or near the parking meters.

SECTION 2. Sec. 621-202 of the “Revised Code of the Consolidated City and County,” regarding the designation of parking meter zones, hereby is amended by designating the existing section as subsection “(a)” and inserting a NEW subsection (b) to read as follows:

(b) The portions of streets designated in this subsection are established as motorcycle parking meter zones, which spaces shall have a minimum width of five feet per meter space:

Jackson Place, on the north side, from a point 39 feet east of the east curblane of McCrea Street to a point 78 feet east of the east curblane of McCrea Street;

Meridian Street, on the east side, from a point 28 feet south of the south curblane of Georgia Street to a point 69 feet south of the south curblane of Georgia Street;

Virginia Avenue, on the south side, from a point 140 feet east of the east curbline of Pennsylvania Street to a point 160 feet east of the east curbline of Pennsylvania Street;

SECTION 3. Sec. 621-108 of the "Revised Code of the Consolidated City and County," regarding manner of parking, hereby is amended by the addition of the following language to subsection (c), regarding "*Ninety-degree angles*:"

Virginia Avenue, on the south side, from a point 140 feet east of the east curbline of Pennsylvania Street to a point 160 feet east of the east curbline of Pennsylvania Street;

SECTION 4. Sec. 621-108 of the "Revised Code of the Consolidated City and County," regarding manner of parking, hereby is amended by the addition of the following language to subsection (d), regarding "*Sixty-degree angles*:"

Jackson Place, on the north side, from a point 39 feet east of the east curbline of McCrea Street to a point 78 feet east of the east curbline of McCrea Street;

Meridian Street, on the east side, from a point 28 feet south of the south curbline of Georgia Street to a point 69 feet south of the south curbline of Georgia Street;

SECTION 5. This ordinance shall be in full force and effect from and after adoption and compliance with IC 36-3-4-14.

President Vaughn passed the gavel to Vice President Pfisterer and stated that he will abstain from voting on the next proposal to avoid the appearance of a conflict of interest.

PROPOSAL NO. 405, 2009. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 405, 2009 on November 10, 2009, December 1 and 15, 2009, and January 19, 2010. The proposal, sponsored by Councillor Moriarty Adams, determines the need to lease approximately 3,373 square feet of commercial office space at 5226 Elmwood Avenue for use by the Marion County Assessor. By a 5-0-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Lutz said that he had some concerns about this proposal, but after having spoken with the controller, he realizes the project will save the city \$47,000, and he supports it.

Councillor Moriarty Adams stated that she would like to disclose that she works for the County Assessor, but has been advised she does not have a conflict and can still vote.

Councillor Coleman said that the township assessors have been eliminated, yet this proposal puts assessors' offices back in the townships, which does not make sense.

Councillor Sanders stated that the consolidations has reduced township offices from nine to four locations, but the additional locations actually help give the local taxpayer easier access to information.

Councillor Mansfield stated that she has always suggested satellite offices and finds them much more efficient. She said that this location would still be close to Perry, with a location still in Franklin Township, and she supports the measure.

Councillor Cockrum said that two-thirds of his district is in Decatur Township, and his constituents were not given the opportunity to vote on whether or not to keep their township assessor, and those duties were moved from Decatur Township to Wayne Township. Now, they are moving again from Wayne Township to Franklin Township, which is even farther away. He said that he will therefore oppose the proposal. Councillor Pfisterer said that the Wayne

Township office is still open. Councillor Cockrum said that this may be the case, but they are moving the Decatur Township data to the Franklin Township location. Councillor Pfisterer said that she believes the Wayne Township location will serve both.

Councillor Nytes said that there is significant savings in a county-wide assessment process, and citizens can go to any of these satellite offices. At the end of the day, citizens will have a more consistent system of assessing, and this is a good direction.

Councillor Minton-McNeill asked who will handle the satellite offices. Councillor Pfisterer said that the current staff of the County Assessor will handle those offices.

Councillor Scales said that she understands City Controller David Reynolds gave his blessing to this lease, but asked how many other facilities were reviewed and how they compared in the process. Jason Dudich, Deputy Controller, stated that the Office of Finance and Management (OFM) was involved in the process of financial savings, but they left the decisions about square footage needs to the assessor. Councillor Scales asked if there are cost savings associated with this proposal. Mr. Dudich said that the saving is \$47,000.

Councillor McHenry asked how many other locations were looked at. Councillor Pfisterer said that she remembers at least two other locations, with one being less expensive, but not having adequate parking space or square footage.

Councillor Lewis stated that although she will be voting on this issue, she would like to disclose that she has a family member employed by the Assessor's Office.

Councillor Lutz said that there are four offices throughout the county besides the central offices, and he would encourage citizens to attend the Wayne Township satellite office.

Councillor Sanders moved, seconded by Councillor Mansfield, for adoption. Proposal No. 405, 2009 was adopted on the following roll call vote; viz:

23 YEAS: Bateman, Brown, Cain, Cardwell, Day, Evans, Gray, Hunter, Lutz, MahernB, MahernD, Malone, Mansfield, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy
4 NAYS: Cockrum, Coleman, McHenry, McQuillen
2 NOT VOTING: Lewis, Vaughn

Proposal No. 405, 2009 was retitled SPECIAL RESOLUTION NO. 6, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 6, 2010

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately Three Thousand Three Hundred Seventy-Three (3,373) square feet of commercial office space at 5226 Elmwood Avenue, Indianapolis, Indiana, 46203, for use by the Marion County Assessor.

WHEREAS, effective July 1, 2008, the duties and obligations of the Decatur Township Assessor of Marion County Indiana, including obligations related to the ownership and leasing of real property, were transferred to the Marion County Assessor pursuant to IC 36-6-5-1(h); and

WHEREAS, effective January 1, 2009, the duties and obligations of the remaining eight (8) township assessors of Marion County Indiana, including obligations related to the ownership and leasing of real property, were transferred to the Marion County Assessor pursuant to IC 36-2-15-7.4 et seq.; and

February 1, 2010

WHEREAS, certain leases of real property entered into by the former township assessors for purposes of operating their respective township assessor offices have expired or will expire in the near future; and

WHEREAS, pursuant to IC 36-2-15-3(b), the Marion County Assessor seeks to open district satellite offices in various locations around Marion County in order to continue serving taxpayers across all nine (9) townships of Marion County; and

WHEREAS, pursuant to IC 36-1-10 et seq., the Marion County Assessor has negotiated the terms and conditions of a five (5) year lease of real property with Mr. Doyle T. Haywood, d/b/a Haywood Properties LLC, for purposes of establishing and operating the Marion County Assessor South District Office; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines that the lease of space for use by the Marion County Assessor is needed.

SECTION 2. The property to be leased is located at 5226 Elmwood Avenue, Indianapolis, Indiana, 46203. Such property is owned by an individual, Mr. Doyle T. Haywood, d/b/a Haywood Properties LLC, whose address is 5230 Elmwood Avenue, Indianapolis, Indiana, 46203.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Vice President Pfisterer returned the gavel to President Vaughn.

PROPOSAL NO. 406, 2009. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 406, 2009 on November 10, December 1 and 15, 2009 and January 19, 2010. The proposal, sponsored by Councillor Bateman, amends the Code to encourage economic revitalization by creating an Indianapolis based business preference for the City and County. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Pfisterer moved, seconded by Councillor Cockrum, to strike. Proposal No. 406, 2009 was stricken by a unanimous voice vote.

PROPOSAL NO. 475, 2009. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 475, 2009 on January 19, 2010. The proposal, sponsored by Councillor Vaughn, directs and authorizes the county information technology board's chief information officer to analyze the information technology systems of certain city and county agencies, and to report findings and recommendations to the board and to the Council. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Pfisterer moved, seconded by Councillor Plowman, for adoption. Proposal No. 475, 2009 was adopted on the following roll call vote; viz:

29 YEAS: *Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*
0 NAYS:

Proposal No. 475, 2009 was retitled GENERAL ORDINANCE NO. 3, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 3, 2010

PROPOSAL FOR A GENERAL ORDINANCE to direct and authorize the county information technology board's chief information officer to analyze the information technology systems of certain city and county agencies, and to report findings and recommendations to the board and to the council.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The purpose of this ordinance is for the chief information officer employed or retained by the county information technology board under Section 281-221 of the Code to identify opportunities for efficiencies, including cost savings and increase information security, to be gained by further consolidation of information technology support services throughout the city and county government and report back to the council on the chief information officer's findings and recommendations. The duties prescribed herein are in addition to the powers, duties, and functions that are provided in Chapter 281, Article II, of the "Revised Code of the Consolidated City and County.

SECTION 2. The council hereby directs and authorizes the chief information officer to study and analyze the information technology infrastructure, systems, processes, agreements and resources (employed and contracted) utilized by the following city and county entities (listed in alphabetical order), which are known to have information technology systems that are not directly supported by the information services agency:

- (1) The government access cable channel ("Channel 16");
- (2) The Indianapolis Metropolitan Police Department;
- (3) The Metropolitan Emergency Communications Agency;
- (4) ~~The Marion County Recorder's Office;~~
- (5) The Marion County Sheriff's Department;
- (6) The Marion Superior Court administration; and
- (7) Any other *subject agencies*, as that term is defined in Sec. 281-201 of the Code, that the chief information officer identifies as having information technology systems that are not supported by the information services agency.

These subject agencies and each of their officers, employees and agents shall comply fully and in a timely manner with the chief information officer's requests for interviews and data.

SECTION 3. In addition to those entities listed in SECTION 2, the council hereby directs and authorizes the chief information officer, with the consent of the Capital Improvement Board of Managers of Marion County, to study and analyze the information technology infrastructure, systems, processes, agreements and resources (employed and contracted) utilized by the Capital Improvement Board of Managers of Marion County.

SECTION 4. Prior to ~~July 1~~ July 31, 2010, the chief information officer shall prepare a written report of findings and recommendations with respect to each subject agency listed in SECTION 2 and, if applicable, SECTION 3 of this ordinance, including any written responses made thereto by a subject agency, and shall file such written reports to the clerk of the council and the county information technology board. The administration and finance committee of the council shall take each such report under advisement to determine whether council action is necessary to bring about further efficiencies through consolidation of information technology support services into the information services agency.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Councillor Speedy reported that the Public Works Committee heard Proposal Nos. 484, 2009 and 18, 2010 on January 21, 2010. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 484, 2009. The proposal, sponsored by Councillors Minton McNeill and Sanders, authorizes a change in parking meter zones on New York Street (District 15).

PROPOSAL NO. 18, 2010. The proposal, sponsored by Councillor Moriarty Adams, authorizes parking restrictions on Franklin Road from 21st Street to the dead end (District 17). By 9-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Speedy moved, seconded by Councillor Smith, for adoption. Proposal No. 484, 2009 and Proposal No. 18, 2010 were adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:

Proposal No. 484, 2009 was retitled GENERAL ORDINANCE NO. 4, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 4, 2010

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-202, Parking meter zones designated.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the deletion of the following, to wit:

TWO HOURS

New York Street, on the north side, from
Delaware Street to Alabama Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the addition of the following, to wit:

TWO HOURS

New York Street, on the north side, from
Delaware Street to a point 170 feet east of Delaware Street

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 18, 2010 was retitled GENERAL ORDINANCE NO. 5, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 5, 2010

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Franklin Road, on the west side, from 21st Street to the north end

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 15, 2010. Councillor Hunter reported that the Public Safety and Criminal Justice Committee heard Proposal No. 15, 2010 on January 13, 2010. The proposal, sponsored by Councillors Moriarty Adams, Brown and Vaughn, approves a transfer of \$60,369,628 in the 2010 Budgets of the Indianapolis Metropolitan Police Department, Marion County Sheriff, Marion Superior Court, Marion County Coroner, Marion County Prosecutor, Public Defender Agency and Forensic Services Agency (Public Safety Income Tax, IMPD General and County General Funds) in compliance with Indiana Code that all monies collected from the public safety income tax be accounted for in a separate fund. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Hunter moved, seconded by Councillor McQuillen, for adoption. Proposal No. 15, 2010, as amended, was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:

Proposal No. 15, 2010 was retitled FISCAL ORDINANCE NO. 1, 2010, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 1, 2010

A FISCAL ORDINANCE amending the City-County Annual Budget for 2010 (City-County Fiscal Ordinance No. 35, 2009; by transferring and appropriating a total of Sixty Million Three Hundred Seventy Nine Thousand Six Hundred Twenty-eight Dollars (\$60,379,628) into the City and County Public Safety Income Tax funds, from the IMPD General Fund and County General fund, for purposes of those departments and agencies listed below.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since its adoption, the City-County Annual Budget for 2010 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of reallocating all monies collected from the public safety income tax into a separate Public Safety Income Tax Fund, rather than being included in the funds originally budgeted to receive these revenues. The dollar amounts to be transferred are:

IMPD - IMPD General - \$35,788,092
MCSD – County General - \$12,086,799
Marion Superior Court – County General - \$6,771,251
Coroner - County General - \$392,402
Prosecutor - County General - \$1,932,629
Public Defender - County General - \$2,554,670
Forensic Services - County General - \$853,785
TOTAL COUNTY GENERAL – 24,591,536

GRAND TOTAL – ALL FUNDS – \$60,379,628

SECTION 2. The sum of Sixty Million Three Hundred Seventy Nine Thousand Six Hundred Twenty-eight Dollars (\$60,379,628)) be, and the same is appropriated to city departments for the purposes as shown in section 1.

INDIANAPOLIS METROPOLITAN POLICE DEPT (DPS) (City) PUBLIC SAFETY INCOME TAX FUND

1. Personal Services	35,788,092
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	35,788,092

MARION COUNTY SHERIFF

(County) PUBLIC SAFETY INCOME TAX FUND

1. Personal Services	12,086,799
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February 1, 2010

2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	12,086,799

<u>MARION SUPERIOR COURT</u>	(County) <u>PUBLIC SAFETY INCOME TAX FUND</u>
1. Personal Services	6,771,251
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	6,771,251

<u>COUNTY CORONER</u>	(County) <u>PUBLIC SAFETY INCOME TAX FUND</u>
1. Personal Services	392,402
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	392,402

<u>COUNTY PROSECUTOR</u>	(County) <u>PUBLIC SAFETY INCOME TAX FUND</u>
1. Personal Services	1,932,629
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	1,932,629

<u>PUBLIC DEFENDER</u>	(County) <u>PUBLIC SAFETY INCOME TAX FUND</u>
1. Personal Services	2,554,670
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	2,554,670

<u>FORENSIC SERVICES AGENCY</u>	(County) <u>PUBLIC SAFETY INCOME TAX FUND</u>
1. Personal Services	853,785 773,000
2. Supplies	0 80,785
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	853,785

SECTION 3. The following appropriations are hereby reduced:

<u>INDIANAPOLIS METROPOLITAN POLICE DEPT (DPS)</u>	<u>IMPD GENERAL FUND</u>
1. Personal Services	35,788,092
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL DECREASE	35,788,092

<u>MARION COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	12,086,799
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL DECREASE	12,086,799

<u>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	6,771,251
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL DECREASE	6,771,251

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	392,402
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
TOTAL DECREASE	392,402
<u>COUNTY PROSECUTOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	1,932,629
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
TOTAL DECREASE	1,932,629
<u>PUBLIC DEFENDER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	2,554,670
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
TOTAL DECREASE	2,554,670
<u>FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	853,785
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
TOTAL DECREASE	853,785

SECTION 4. The said increased appropriations are funded by revenues previously appropriated in the IMPD General, Fire Pension and County General funds, which are hereby transferred into the following funds:

(CITY) PUBLIC SAFETY INCOME TAX FUND
35,788,092

(COUNTY)) PUBLIC SAFETY INCOME TAX FUND
24,591,536

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 16, 2010. Councillor Hunter reported that the Public Safety and Criminal Justice Committee heard Proposal No. 16, 2010 on January 13, 2010. The proposal, sponsored by Councillors Moriarty Adams, Hunter, Brown, Vaughn and Scales, amends the Code to extend the probationary period for members of the metropolitan law enforcement agency for more meaningful review of performance at work and in the field during field training. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hunter moved, seconded by Councillor Smith, for adoption. Proposal No. 16, 2010 was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:

Proposal No. 16, 2010 was retitled GENERAL ORDINANCE NO. 6, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 6, 2010

PROPOSAL FOR A GENERAL ORDINANCE to amend Section 279-234 of the Revised Code to extend the probationary period for members of the metropolitan law enforcement agency, so that supervisors and field

training officers will have an appropriate period to develop a meaningful review each member's performance at work and in the field during the course of the field training officer program.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 279-234 of the "Revised Code of the Consolidated City and County," regarding the appointment of members and the classification of ranks, grades and positions within the Indianapolis Metropolitan Police Department, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 279-234. Classification of ranks, grades and positions; appointment of members.

(a) The board shall establish a classification of ranks, grades, and positions for members of the Indianapolis metropolitan police department. For each rank, grade, and position, the chief, with the approval of the board, shall:

- (1) Set reasonable standards of qualifications; and
- (2) Fix the prerequisites of training, education, and experience.

(b) An individual may not be appointed or reappointed as a member of the department after December 31, 2006, unless the individual:

- (1) Is less than thirty-six (36) years of age; and
- (2) Passes:
 - a. The aptitude, physical agility, and physical examination required by the local board; and
 - b. The statewide baseline standards required by IC 36-8-8-19; however, this subsection does not apply to an individual who becomes a member of the department under section 279-103 of this chapter.

(c) The chief, with the approval of the board, shall devise and administer examinations designed to test applicants for the qualifications required for the respective ranks, grades, or positions. After these examinations, the chief and the board shall jointly prepare a list naming only those applicants who, in the opinion of both the chief and the board, best meet the prescribed standards and prerequisites. The chief only appoints members of the department from among the persons whose names appear on this list. All members appointed to the department under this chapter are on probation ~~for until after~~ one (1) year ~~after the date of appointment~~ of active duty from the date of the completion of the Field Training Officer Program. Active duty is defined as the time the probationary officer is assigned to perform the full duties and responsibilities required of members of the department, but does not include leave time due to illness, military leave, suspension from work or limited duty status, as these terms are defined by the general orders of the department.

(d) The chief, in his or her sole discretion, may:

- (1) Establish a temporary administrative rank or position within the department; and
- (2) Appoint to and remove from a temporary administrative rank or position a member of the department who meets the requirements in subsection (e) of this section.

(e) Except as provided by sections 279-103 and 279-104 of this chapter, a member who has served as a member of the department at least five (5) years before the appointment and holds the merit rank of at least lieutenant is eligible for appointment to a temporary administrative rank or position described in subsection (d) of this section. A member retains the rank, grade, or position awarded under subsection (c) of this section while serving in a temporary administrative rank or position. A temporary administrative rank or position established under subsection (d) of this section does not diminish or reduce the number and classifications of the existing merit ranks within the department. Subsection (d) of this section and this subsection may not be construed to limit, modify, annul, or otherwise affect a collective bargaining agreement.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings

begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 22, 2010. Councillor Cain reported that the Ethics Committee heard Proposal No. 22, 2010 on January 21, 2010. The proposal, sponsored by Councillors Cain, Evans, Lutz, B. Mahern, Moriarty Adams and Smith, amends the Code and adopts procedures for investigations of allegations of violations of ethical standards for councillors. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Vaughn thanked the members of the Ethics Committee for working in a bi-partisan manner to achieve a unanimous vote on such a substantive issue.

Councillor B. Mahern thanked Councillor Cain and the committee members for their collaboration, and said that it would not bother him if they never had to actually use these procedures. Councillor Lutz agreed and said that a lot of hard work went into this proposal, and everyone worked together in a bi-partisan fashion and he urged Councillors to support the proposal.

Councillor Cain moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 22, 2010 was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:

Proposal No. 22, 2010 was retitled GENERAL ORDINANCE NO. 7, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 7, 2010

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code and adopting procedures for investigations of allegations of violations of ethical standards for councillors.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Division 1 of Article XI of Chapter 151 of the Revised Code of the Consolidated City and County be, and is hereby amended by deleting the stricken-through text and inserting the underlined text, to read as follows:

Sec. 151-1101. Establishment and review of standards of ethical conduct for councillors.

Prior to March 1 of each year, the ethics committee shall review the standards of ethical conduct for councillors and devise and propose any amendments the committee deems necessary or appropriate.

Sec. 151-1102. Review of alleged violations.

In addition to the duties provided in section 151-1101, the ethics committee may do any of the following:

- (1) Receive and hear any complaint filed pursuant to Division 2 of this Article, which alleges any violation of the standards of ethical conduct for councillors, regardless of when the misconduct or violation is alleged to have occurred;
- (2) Obtain information with respect to any complaint filed pursuant ~~to this section~~ Division 2 of this Article and, ~~to that end as provided therein~~, to compel the attendance and testimony of witnesses and the production of documents;
- (3) Recommend to the council that, because of his or her violation of the standards of ethical conduct for councillors, a councillor be subject to censure or such other punishment as the council may deem proper, or the law may provide, as will best maintain, in the minds of the public, a good opinion of the conduct and character of councillors; and
- (4) Act as an advisor to councillors on ethics questions.

Sec. 151-1103. Conduct of investigations.

~~(a)~~ The ethics committee shall conduct investigations under this ~~division~~ Article as provided in ~~this section~~ Division 2 of this Article.

~~(b) — Review of complaint. When a complaint is filed with the committee, a copy shall promptly be sent to the councillor alleged to have committed the violation, referred to as the respondent. After receiving a copy of the complaint, the respondent may submit a written response to the committee. If the committee determines the complaint does not allege facts sufficient to constitute a violation, the complaint shall be dismissed and the complainant and respondent notified. If the committee determines the complaint alleges facts sufficient to constitute a violation, it shall promptly investigate the alleged violation.~~

~~(c) — Preliminary investigation. The committee may meet in executive session to conduct a preliminary investigation and to determine whether probable cause exists to support an alleged violation. If, after such preliminary investigation, the committee finds that probable cause does not exist to support an alleged violation, the allegation shall be dismissed. All committee investigations and records relating to the preliminary investigation shall be confidential, as authorized by IC 5-14-3-4(b).~~

~~(d) — Hearing. If the committee finds that probable cause exists to support an alleged violation, it shall convene a hearing on the matter within thirty (30) days after making such determination. If a hearing is to be held, the respondent shall be allowed to examine and make copies of all evidence in the committee's possession relating to the allegations. At the hearing, the respondent shall be afforded appropriate due process protection, including the rights to be represented by counsel, to discovery, to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses.~~

~~(e) — Findings. If the committee, based on a preponderance of the evidence, finds the respondent has violated the standards of ethical conduct for councillors, it shall state its findings in writing in a report to the president of the council. Such report shall be supported and signed by a majority of the committee members. If the committee finds the respondent has not violated the standards of ethical conduct for councillors, it shall dismiss the charges.~~

Sec. 151-1104. Recusal.

No member of the ethics committee shall participate in any matter under this division in which he or she is involved. ~~If a member must recuse himself or herself, that member's appointing authority shall appoint another member of the council to temporarily fill the vacancy.~~

SECTION 2. The Revised Code of the Consolidated City and County be, and is hereby amended by adopting a new Division 2 of Article XI of Chapter 151, to read as follows:

DIVISION 2 .PROCEDURES FOR INVESTIGATION OF ALLEGATIONS OF
VIOLATIONS OF ETHICAL STANDARDS

Sec. 151-1121. Allegations of violations of ethical standards.

(a) Any allegation of violations of the ethical standards of this chapter must be initiated by a Councillor in one of the following manners:

- (1) An allegation by a Councillor of violations of ethical standards by a Councillor during a meeting of the Council or any committee of the Council shall be made by the Councillor stating the allegation which shall be noted in the minutes. No further statement of allegation is required, but the Councillor making the allegation may file a further statement of allegation that complies with Sec. 151-1122,
 - (2) An allegation of violations of ethical standards by a Councillor with respect to conduct of a Councillor not during a meeting of the Council or a Council committee shall be made by filing a statement of allegation, that complies with Sec. 151-1122, with the Clerk of the Council.
- (b) The allegation shall be referred to the chairperson of the Ethics Committee by the president of the Council if made during a Council meeting, by the chairperson of the committee if made during a committee meeting, or by the Clerk if filed with the clerk.
- (c) As used in this division, "Complainant" means the councillor alleging the violation, and "Respondent" means the Councillor against whom the allegation is made.
- (d) If the Respondent or the Complainant is the chairperson of the Ethics Committee, the member of the Committee, who has served the longest on the Council, shall fulfill the duties of the chairperson with respect to such statement of allegation.
- (e) If a member of the Ethics Committee is the Complainant or the Respondent, such member or members shall recuse themselves from consideration of such statement of allegation. The Committee on Committees shall name another Councillor or Councillors of the Councillor's political party, to serve during the consideration of the statement of allegations.
- (f) If the general counsel, chairperson of the Ethics Committee or the committee determines that the general counsel has a personal interest or involvement in the matters described in the Statement of Allegation, the committee shall retain another attorney to perform the duties assigned by this Chapter to the general counsel with respect to proceedings with respect to that Statement of Allegation.

Sec. 151-1122. Statement of Allegation.

The statement of allegation shall contain the following:

- (1) A description of the conduct by the Councillor that is alleged to be a violation of the ethical standards and the standard of conduct that applies,
- (2) The time and place the alleged conduct occurred,
- (3) The names of other persons present when the conduct occurred,
- (4) The full name, address and phone numbers of any persons who provided information to the Councillor upon which the statement of allegation is based,
- (5) Any documents which form the basis of the allegation, and
- (6) An affirmation under penalties of perjury that the statement of allegation is true or based on information considered in good faith to be correct.

Sec. 151-1123. Referral of Statement of Allegation.

- (a) The Clerk of the Council, within ten days of the filing of the statement of allegation or notation of allegation by a Councillor in the minutes, shall refer the matter to the chairperson of the Ethics Committee. The clerk shall provide copies of the allegation to the members of the Ethics Committee and to the Councillor against whom the allegation is made.
- (b) The chairperson of the Ethics Committee, shall set a date for the Ethics Committee to meet in executive session for an informal review of the matter by the Ethics Committee not later than thirty days after the filing under subsection (a).
- (c) The chairperson shall forward the statement of allegation or notation in the minutes to the general counsel, who shall issue an opinion under Sec. 151-1124.
- (d) Notice of the action taken by the chairperson shall be given to the Complainant, the Respondent and the members of the Ethics Committee.

Sec. 151-1124. Filings prior to informal review.

(a) After receiving the statement of allegation for review under Sec. 151-1123, the general counsel shall:

- (1) inquire into the facts and law regarding the statement of allegation, and
- (2) issue an opinion on whether the statement of allegations, if true, warrants a formal hearing or does not raise a substantial issue of violation of ethical standards.

(b) The general counsel shall prepare the opinion within the time specified by the chairperson of the Ethics Committee, which shall be not later than 5 days prior to the informal hearing, and deliver copies of such report to the members of the Ethics Committee, the Complainant, and the Respondent.

(c) The Respondent may file a response to such report with the Clerk of the Council which response may include a proposed agreed sanction. Such response shall be forwarded to the members of the Ethics Committee and to the Complainant.

(d) Should the Respondent propose a sanction, the Complainant may file, with the Clerk of the Council, a statement in support or opposition to the proposed agreed sanction.

(e) The statement of allegation, the opinion of the general counsel, and any other documents filed pursuant to this section are deemed information prepared for an executive session on a personnel matter and are hereby determined to be exempted from disclosure under IC 5-15-3-4(b). Upon proper request, the clerk shall disclose that a statement of allegation has been filed and the action of the chairperson under Sec. 151-1123.

Sec. 151-1125. Informal Hearing.

(a) The Ethics Committee may convene an executive session to deliberate on the statement of allegation and filings under Sec. 151-1124.

(b) The Ethics Committee shall vote on whether or not to proceed with a formal hearing at a meeting open to the public. If the committee cannot reach a majority decision on how to proceed within forty-five (45) days after the executive session, the matter shall be scheduled for a formal hearing before the committee by the chairperson.

(c) If the Ethics Committee agrees to proceed without a formal hearing, it shall either:

- (1) Dismiss the statement of allegation for failure to allege a substantial issue of violation of ethical standards, or
- (2) Recommend the agreed sanction as proposed by Respondent.

(d) If the Ethics Committee votes to proceed with a formal hearing on the statement of allegation, the hearing shall be scheduled before the committee not later than thirty days after the informal review, unless the Respondent agrees to a later date.

(e) If the committee dismisses the allegations, the information reviewed in executive session shall remain confidential and exempted from public access. If a sanction is recommended or a formal hearing scheduled, the information reviewed in executive session shall not remain confidential and will be available for public access.

Sec. 151-1126. Formal hearing on statement of allegation.

(a) The general counsel shall preside over the Ethics Committee during the formal hearing, but shall have no vote. Whenever the Complainant, Respondent or a committee member objects to a ruling of the presiding officer, such ruling may be appealed to the committee, which ruling shall be sustained unless a majority of the committee vote to overrule the presiding officer.

(b) Respondent may file a formal response to the statement of allegations, if filed five days before the start of the hearing.

(c) Complainant shall present evidence to support the statement of allegation. Complainant may be represented by counsel employed by Complainant.

(d) Respondent may present evidence in response to Complainant's evidence. Respondent may be represented by counsel employed by Respondent.

(e) The hearing shall be open to the public, and a transcript of the hearing preserved.

Sec. 151-1127. Action after formal hearing.

(a) At the conclusion of the formal hearing, the Ethics Committee shall adopt a recommendation for the full Council.

(b) The committee may recommend:

- (1) That the Complainant failed to prove Respondent was in substantial violation of the ethical standards, and that no sanction be imposed,
- (2) That sanction be imposed as proposed by the Respondent,
- (3) That the Respondent be censured,
- (4) That the Respondent forfeit council offices or committee assignments,
- (5) That the Respondent forfeit per diem compensations, or
- (6) That the Respondent be removed from office by the council.

(c) If the committee cannot reach a majority decision on the adoption of a recommendation, the matter shall remain pending before the Ethics Committee until a majority adopts a recommendation.

(d) Any recommendation adopted by the Ethics Committee shall be reported in writing to the Council and a proposal for a resolution adopting such recommendation placed on the agenda of the Council at its next or subsequent meeting that is held more than fifteen days after the Ethics Committee adopts its recommendation.

Sec. 151-1128. Action by council.

(a) Respondent has the right to appeal to the Council any recommendation by the Ethics Committee and request a hearing. Such request shall be filed with the Clerk of the Council within 10 days after the Ethics Committee adopts its recommendation. On filing of the appeal the Clerk shall forthwith prepare a transcript or video record of the committee hearing, along with all exhibits and minutes of the hearing and committee deliberations and deliver copies to each councillor.

(b) If an appeal is filed by Respondent, action on the committee report and resolution shall be postponed until after the hearing is concluded.

(c) At the first regular meeting of the council after an appeal is filed, the council by simple majority vote of those voting shall decide whether the appeal shall be held on the record of the Ethics Committee hearing or a hearing de novo shall be held. The president of the Council shall schedule such hearing before the Council at a regular or called meeting within 30 days of the filing of the request by Respondent.

(d) If the council schedules a hearing on the record, no additional evidence shall be received at the hearing. The Respondent and Complainant, in that order, shall each have fifteen minutes to present arguments on the appeal.

(e) If a hearing de novo is held:

- (1) the president, or if president be the Respondent, the vice-president, may preside or may appoint the general counsel or another qualified person to preside; and if the person who is appointed to preside is not a Councillor, such person shall not be entitled to vote and whenever the Complainant, Respondent or a council member objects to a ruling of the presiding officer, such ruling may be appealed to the council, which ruling shall be sustained unless a majority of the council vote to overrule the presiding officer;
- (2) the presiding officer, with consent of the Council, may establish reasonable limits for presentation and closing arguments;
- (3) Complainant shall present evidence to support the statement of allegation and may be represented by counsel employed by Complainant;
- (4) Respondent may present evidence in response to Complainant's evidence and may be represented by counsel employed by Respondent;

- (5) Complainant and Respondent shall in order be allowed closing arguments; and
- (6) the hearing shall be open to the public.

(f) The Council shall act on the recommendation of the Ethics Committee by adopting the recommendation, modifying the recommendation, or determining that no action be taken.

Sec. 151-1129. Procedural matters.

(a) The general counsel, Complainant or Respondent may request the Ethics Committee to issue subpoenas for the production of documents or attendance of witnesses at the formal hearing, pursuant to IC 36-3-4-24.

(b) The Ethics Committee may grant or deny requests for subpoenas at its discretion by majority vote.

(c) Should a person fail to comply with a subpoena issued by the committee, the committee shall refer the matter to the Council for enforcement pursuant to IC 36-3-4-24(d).

(d) The Ethics Committee or the Council, when the matter is pending before the Council, may at any time postpone proceedings with respect to a statement of allegation if it finds:

- (1) the prosecutor or other law enforcement agency requests deferring the matter pending investigation or court proceedings, or
- (2) the Respondent is likely to assert a privilege against self-incrimination which would materially affect the Complainant's ability to produce evidence of the alleged ethical violation.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor Pfisterer commended Councillors Cardwell and Bateman for their involvement in helping to make arrangements for medical personnel that were stranded in Haiti in a hostile environment to be returned to the United States.

President Vaughn reminded Councillors that their Ethics Forms are due in two hours and two minutes.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Sanders stated that she had been asked to offer the following motion for adjournment by:

- (1) Councillor All in memory of Robert Earl Walker; and
- (2) Councillor Day and Plowman in memory of Army Specialist Brian Bowman; and
- (3) Councillor Cain in memory of Janet Sauer; and
- (4) Councillor McQuillen in memory of Jeanne Acheson-Munos, Jack Lubbers and Helen L. Whitehouse; and
- (5) Councillor Nytes in memory of Edgar Horseman and Frank Manfredi; and
- (6) Councillor Gray in memory of Malinda Turner-Craig and Delores Harmon Sayles; and
- (7) Councillor Minton-McNeill in memory of John E. Thomas, Evangelist Mae Irene Boyd, Nathaniel Ruffin and Daisy Bankhead;
- (8) Councillor Cockrum in memory of Jerry E. Hibler.

Councillor Sanders moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Robert Earl Walker, Army Specialist Brian Bowman, Janet Sauer, Jeanne Acheson-Munos, Jack Lubbers, Helen L. Whitehouse, Edgar Horseman, Frank Manfredi, Malinda Turner-Craig, Delores Harmon Sayles, John E. Thomas, Evangelist Mae Irene Boyd, Nathaniel Ruffin, Daisy Bankhead and Jerry E. Hibler. She respectfully asked the support of fellow Councillors. She further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:57 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 1st day of February, 2010.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)